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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DANIEL NIX,

14 Defendant.
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Case No. CR17-105RSL

ORDER CONTINUING
TRIAL DATE

16 This matter comes before the Court on a motion to continue trial filed by recently
17 appointed counsel for defendant Daniel Nix. Dkt. # 48. Trial is currently scheduled for January
18 16, 2018. Counsel notes that Mr. Nix has not agreed to the filing of the motion. Indeed, at a
19 status conference held November 21, 2017, Mr. Nix appeared not to consent to a continuance or
20 many other aspects of the Court's jurisdiction over him. See also Transcript of Proceedings
21 (May 18, 2017), Dkt. # 23-3. The government does not oppose a continuance. Having
22 considered defense counsel's motion and the representations of the parties before the Court, and
23 giving due consideration to defendant's objection, the Court incorporates by reference the facts
24 set forth in the motion and finds as follows:

25 1. Counsel was recently appointed for defendant on September 19, 2017, Dkt. # 47,
26 and only first met defendant at the status conference held on November 21, 2017. Discovery to
27 date has included a large volume of data comprising particularly dense material, including tax
28 returns and years of financial data. Given counsel's recent appointment, he has only just begun

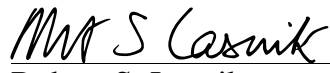
1 to conduct thorough review of the discovery in this case. Failure to grant a continuance would
2 deny counsel the reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

4 2. A continuance would serve the ends of justice, as the need to ensure effective trial
5 preparation, particularly in light of defendant's noncooperation in this case, outweighs the best
6 interests of the public and the defendant in a more speedy trial, within the meaning of 18 U.S.C.
7 § 3161(h)(7)(A).

8 IT IS THEREFORE ORDERED that the trial date be continued from January 16, 2018,
9 to June 25, 2018. Pretrial motions shall be filed by May 25, 2018.

10 IT IS FURTHER ORDERED that the period of time from the current trial date of January
11 16, 2018, up to and including the new trial date of June 25, 2018, shall be excludable time
12 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The period of delay attributable to the
13 filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§
14 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

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16 DATED this 21st day of November, 2017.

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19 Robert S. Lasnik
20 United States District Judge
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